Section 40.

Mr. Mahadeva Iyer proposed that the words "Our Government may" be substituted for the words "The Dewan may with Our sanction" in lines 1 and 2 of the present Section 40 and that it be numbered as 41.

Seconded by Mr. Aiyappan Pillai.

Carried.

Mr. Subba Iyer then moved that the Bill, thus amended by the Council, be read again on a future day of which due notice should be given.

Seconded by Mr. Vieyra.

Carried.

THE GAME PRESERVATION REGULATION AMENDMENT BILL.

Mr. Subba Iyer moved that the report of the Select Committee on the Game Preservation Regulation Amendment Bill be taken up for consideration.

Seconded by Mr. Vieyra.

Carried.

Mr. Kesava Pillai suggested that fish be entirely excluded from the purview of the Bill, its scope being confined to the protection and preservation of game. He invited the attention of the Council to the observations of Mr. Ananda Row, who, in introducing the Bill, said that the main principle of the Bill was the protection of the game of the country, no mention of fish being made. Mr. Kesava Pillai, therefore, moved that the word "fish" be omitted from the Preamble, and from the other portions of the Bill in which the term occurs.

Mr. Sesha Iyer referred to the representation made at the last Session of the Assembly by Mr. A. J. Wright, Member, Kannen Devan Planters' Association, wherein the Member urged the need for the protection of fish, especially as the introduction of 'trout' into the hill-streams was being tried by the Association at considerable expense. Mr. Sesha Iyer stated that it was not probably very necessary to protect all kinds of fish, and that, if that was so, the different kinds of fish which were to have legislative protection should be specified.

Mr. Vieyra said that it was not possible to make a list of all the different kinds of fish in existence and that, all the same, it was very necessary to protect fish generally.

The President observed that Mr. Kesava Pillai not having objected to the inclusion of fish within the scope of the Bill, when its principle was affirmed by the Council it was not open to him at that stage to make any suggestion affecting the principle. The President added that fish, which was largely used for food and manure, formed a min of wealth and that it needed protection in his opinion.

As the sense of the meeting was against the omission of fish from the Bil Mr. Kesava Pillai withdrew his amendment.

Section 1.

Mr. Vieyra proposed that the words "and Fish" be added between the words "Game" and "Protection" in line 2 of sub-section (1).

Seconded by Mr. Subba Iyer.

Carried.

Section 5.

Mr. Kesava Pillai moved that the words "or in any rules made thereunder" be added after the word "Regulation" in line 1.

After some discussion, it was resolved that the proposed amendment was unnecessary in view of Section 19 which gave the force of law to the rules framed under the Regulation.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Kesava Pillai proposed that the word "pursuit" be inserted between the words "the" and "capture" in lines 3 and 8.

Mr. Subba Iyer pointed out that there was no need for the amendment, as the mere *pursuit* of game or fish was not contemplated to be prohibited by Section 4.

The amendment was accordingly dropped.

Mr. Kesava Pillai suggested the omission of the words "bona-fide" in the last line, and the addition of the words "moveable or immoveable of himself or of any other person" after the word "property" in the same line.

Some discussion ensued, as the result of which, it was resolved that the amendments were not necessary.

The Council adjourned at 4-30 P. M. and met again the next day at 11-30 A. M. All the Members who attended the previous day were present, except Messrs. Vieyra and Poonen. The Council then resumed the consideration of the remaining Sections of the Game Preservation Regulation Amendment Bill.

Section 9.

Mr. Sesha Iyer proposed that the words "not below the rank of a Sub-Inspector" occurring in lines 5 and 6 be omitted, as also the words "not below the rank of a Ranger" in lines 7 and 8 of Clause (*a*). He pointed out that Section 18 empowered "any Magistrate or Police officer, or, within a forest, any Forest officer" to seize arms or other instruments carried under suspicious circumstances, and that there was no apparent reason to restrict the power to demand the production of the license to Police and Forest officers of a particular rank.

Seconded by Mr. Krishnan Nair.

Carried.

Section 10.

Mr. Mahadeva Iyer proposed that the word "Deputy" be inserted between "a" and "Ranger" in line 6 of Clause (*b*). He observed that the Ranger having a wide area under him could not be expected to have as much facility as the Deputy Ranger at the spot in the matter of calling for and examining the account kept by a licensee.

Seconded by Mr. Subba Iyer.

Carried.

Section 12.

Mr. Kesava Pillai moved that "two hundred" and "four hundred" be substituted for "one thousand" and "two thousand" in lines 10 and 6 of sub-sections (1) and (2), respectively.

Mr. Subba Iyer stated that a heavy maximum fine was prescribed in each of the two sub-sections to meet the cases in which the game unlawfully destroyed happened to be elephants.

The President suggested that the penalty provided in the sub-sections might in each case be reduced by fifty per cent, viz., Rupees five hundred in sub-section (1) and one thousand in sub-section (2).

Resolved accordingly.

Section 16.

Mr. Krishnan Nair pointed out that the Government proposed to take power by Section 6 to frame rules to determine the officers by whom licenses could be granted and that neither a Division Peishkar nor any other officer is mentioned in that Section as an authority competent to grant licenses. Again, the power to cancel a license under Section 7 could be exercised only by the authority competent to grant it. He therefore proposed that the words "Division Peishkar or to the" in lines 8 and 9 be omitted.

Seconded by Mr. Mahadeva Iyer.

Carried.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Krishnan Nair also moved that, in accordance with the amendment already carried, the words "for such action as such authority may deem fit" be substituted for the words "with a view to the cancellation of such license by the Division Peishkar or such authority, as the case may be".

Seconded by Mr. Subba Iyer.

Carried.

Mr. Kesava Pillai proposed that the following be inserted as sub-section (2):—

"The Division Peishkar or such authority as the case may be, shall thereupon "summon the holder of the license, record and consider any objection which he may "urge against the cancellation of the license, and shall, when the cancellation is directed, "state in writing his reasons for doing so."

The President observed that the procedure above indicated was hardly necessary, as a person judicially convicted would have had ample opportunities of defending himself before the Court which tried and convicted him.

Resolved accordingly that the addition suggested was unnecessary.

Section 18.

Mr. Krishnan Nair proposed that the words "direct the cancellation of" be substituted for the word "cancel" in line 5 of sub-section 2.

Seconded by Mr. Mahadeva Iyer.

Carried.

Mr. Kesava Pillai proposed that the two following clauses contained in the draft Bill be inserted as sub-sections 2 and 3, respectively, of Section 18:—

"(2) The Division Peishkar to whom any arms or instruments are sent under "sub-section (1), shall summon the owner if known; and if the owner appears and "claims them at any time within one year from the date on which they were received in "the office of the Division Peishkar, the Division Peishkar shall hear him, and may, if "satisfied, after such enquiry as he thinks fit, that there was any such intention as "aforesaid, cancel the license (if any) of the owner."

"(3) Any arms or other instruments sent to the Division Peishkar under "sub-section (1), shall, if the owner does not appear and claim them within the period "fixed by sub-section (2), or if possession without a license was illegal and the owner "fails to produce the necessary license or such license is cancelled as afore-said, be "confiscated.

The President observed that it was inexpedient to postpone the enquiry for such a long period as one year and that the addition of the above provisions would result in a lot of space in the Division Peishkar's office being taken up by such arms and instruments, which would themselves get rusty and absolutely useless.

The Council resolved that the addition proposed by Mr. Kesava Pillai was not necessary.

The representation made at the last Assembly by Mr. A. J. Wright was then read out by the Secretary, and it was, by the direction of the Council, recorded.

Mr. Subba Iyer then moved that the Bill thus amended by the Council be read again on a future day of which due notice should be given.

Seconded by Mr. Mahadeva Iyer.

Carried.

THE CO-OPERATIVE SOCIETIES BILL.

Mr. Subba Iyer moved that the Select Committee's report on the Co-operative Societies Bill be taken up for consideration.

Seconded by Mr Aiyappen Pillai.

Carried.

Section 2.

Mr. Sesha Iyer moved that the word "or" be substituted for the word "and" in line 7 of Clause (c).

Seconded by Mr. Mahadeva Iyer.

Carried.

LIBRARY ARCHIVES Kerala Legislative Assembly